



Brian Schweitzer  
Governor

# OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

Chief Public Defender  
Randi Hood

## LAW AND JUSTICE INTERIM COMMITTEE & MONTANA PUBLIC DEFENDER COMMISSION ROUNDTABLE DISCUSSION

**WHEN:** November 9, 2007 at 1:30 p.m.

**WHERE:** Copper King Hotel – Butte, Montana

**AGENDA:**

1. Update on goals and performance measurements as agreed to by the Office of the State Public Defender (OPD) and the Legislative Finance Committee (LFC) presented by Pat Gervais.
  - The LFC has formed five committees that have met with each agency to set goals and performance measurements that will be monitored during the interim.
  - OPD's committee is chaired by Representative Janna Taylor of Dayton and co-chaired by Representative Jon Sesso of Butte.
  - There are three goals with many potential performance measures:
    1. Establish and maintain a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to the assistance of counsel at public expense.
    2. Provide that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.
    3. Reorganize the Appellate function to provide assistance of counsel in a timely manner.
  - First reports are due to the Legislative Fiscal Division at the end of November for presentation to the LFC in December.
2. Update on recent activities and issues
  - The Commission will issue to L&J its Montana Public Defender Commission Fiscal Year 2007 Report to the Governor, Supreme Court, and Legislature.
  - Chief Randi Hood and her staff will discuss pressing issues faced by OPD and give L&J a highlight of the policies and procedures adopted by OPD as listed in the report.
  - Chairman James Park Taylor and other commissioners will report on pressing issues faced by the Commission and provide a highlight of the Standards adopted by Commission.
  - Chief Hood will discuss FY 2007 staffing that is contained in the report.
  - Chief Hood and her staff will discuss case counts and expenditures as well as the process to produce attorney workload information.
  - Chief Hood and her staff will report on FY 2007 training programs and plans for FY 2008.
3. Update on Mental Health Protocol
  - Chief Hood and her staff will report on the development and implementation of the protocol.
4. Question and answer period between L&J and the Commission.



Law and Justice Interim Committee  
Friday, November 9, 2007  
Speaking Notes – Pat Gervais, LFD

**Performance Measurement  
A Legislative Finance Committee Interim Project**

- Agencies will report on outcome measures for selected goals and initiatives, which were agreed upon through discussion and negotiation with agency staff
  - This will allow the legislature to receive information related to agency progress
  - This will assist the legislature:
    - in identification of areas where legislative assistance may be desirable or necessary (for example, a statutory change that may be necessary to facilitate the agency's ability to achieve the desired outcomes)
    - to prepare for issues that are likely to come before the legislature in the next session
- Legislative Finance Committee (LFC) workgroups will review reports and have a roundtable discussion with agencies about their reports
  - Work group for Section D – Corrections and Public Safety is Representative Hiner, Senator Bales (Senator Schmidt if available)
    - Agencies in this section include Corrections, Justice, Montana Board of Crime Control
  - Work group for Section A – General Government and Transportation is Representatives Sesso and Taylor (Senator Williams sat in for Representative Sesso in October)
    - Agencies in this section include the Judicial Branch, the Office of Public Defender
  - LFD analyst for these agencies – Pat Gervais, [pagervais@mt.gov](mailto:pagervais@mt.gov), 444-1795
  - Office of Budget and Program Planning (Governor's Office) analyst for these agencies – Brent Doig, [bdoig@mt.gov](mailto:bdoig@mt.gov), 444-4118
- Agencies will use a standard reporting format
  - The reporting format includes a section for Legislative Fiscal Division (LFD) staff comments or issues
- First reports will be reviewed by the Legislative Finance Committee work groups during the committee's December 11 and 12 meeting (reports are due to the LFD November 28, 2007)
  - LFC work groups may opt to continue or discontinue reporting on an item
  - LFC work groups may opt to refer an item (best practice, atta boy, concern, etc.) to the full committee for consideration
  - Reports will be posted to the LFD webpage, interim committees will be notified when available
- Agencies will also report in June 2008 and November 2008
- Attached are:
  - List of goals and initiatives (by agency for agencies monitored by the LJIC) included in this reporting project
  - Sample of the reporting form agencies will use

## Performance Measurement Law and Justice Interim Committee

Appropriations Subcommittee Section D – Corrections and Public Safety - Agencies  
 LFD Staff: Pat Gervais, 444-1795, [pagervais@mt.gov](mailto:pagervais@mt.gov)  
 LFC workgroup members: Representative Hiner, Senator Bales, (Senator Schmidt if available)

### Corrections

#### Program Goals

Program	Goal	Outcome Measure(s)
Agency	Maintain 80 percent of offenders in community corrections and 20 percent in secure care	Percent of offenders in community corrections, percent of offenders in secure care (request that DOC list groups that fall into each category on data sheet)

#### Initiatives for the 2009 Biennium

Program	Initiative	Outcome Measure(s)
Community Corrections	Establish prerelease center in northwestern Montana	Update on milestones leading toward opening of center – status of citing, RFP issuance, opening date Increase in diversions/alternatives as a result of having pre-release in NW Montana (not available until end of this biennium)
Community Corrections	Reduce technical violations within the probation and parole population from 13 to 12 percent by June 30, 2009 following the addition of chemical dependency services available via contract.	\$ of contracted services and types of services # of offenders served and type of service provided Percent of offenders on probation and parole having technical violations (goal is 12 percent – also include baseline data)
Youth Services Division	While recognizing that the courts make the final decision on sentencing youth to a correctional facility, the Department of corrections goal is that the utilization of re-entry services for juvenile offenders assists in holding the new admission level at Pine Hills and Riverside Youth Correctional Facilities to less than 84 per year	# of youth receiving re-entry services by type of service – baseline and current # of admissions to PHYCF – baseline and current (total admissions) Recidivism of youth receiving reentry services Recidivism of youth not receiving reentry services

Community Corrections	Methamphetamine treatment facilities goals	Date opened # of admission since opening Current status of those admitted (in treatment, to prison, on to pre-release, back to community, etc.) # of escapes # of revocations by reason 3 year recidivism rate (new crime committed) for offenders receiving meth treatment – data available June, 2010
Community Corrections	Revocation programs' goals	Date opened # of admissions since opening Current status of those admitted Percent of offenders that returned to community Percent of offenders sent to secure care 3 year recidivism rate (new crime committed) of offenders utilizing revocation programs – data available fall 2008? # of "repeat customers" sent to revocation center
Community Corrections	Develop mental health resources and programs to serve eligible offenders supervised by the Department of Corrections Adult Community Corrections Division (ACCD) (transfer of funds from DPHHS/AMDD)	# and location of regional service contracts implemented # of offenders served by mental health contracts, type of services provided and number of units delivered revocations and sanctions applied to offenders who are deemed eligible and are receiving services # of dedicated prerelease beds developed and utilized per year
Community Corrections	Provide targeted mental health training to Probation and Parole officers within each ACCD Region of the Department of Corrections (transfer of funds from DPHHS/AMDD)	# of probation and parole officers who completed targeted online mental health training curriculum per year and/or targeted online substance abuse training curriculum
Community Corrections	To create a mental health pharmacy benefit to serve eligible offenders supervised by the Department of Corrections Adult Community Corrections Division (ACCD). (transfer of funds from DPHHS/AMDD)	# of offenders who release from Montana State Prison/Montana Women's Prison with psychotropic medications and average costs per offenders per month # of offenders who require ongoing medication support, duration and average costs per person # of SSI/SSDI applications filed, approved and type, duration and costs of medications covered

## Department of Justice

### Program Goals

Program	Goal	Outcome Measure(s)
Highway Patrol	Improve MHP availability – installation of equipment and concept of “the patrol car is their office”	Negotiation in progress (estimated completion 10/31)
Forensic Science Division	Turnaround time by section (generally goal of 4 week turnaround, except DNA which is 8 week turnaround)	Negotiation in progress (estimated completion 10/31)

### Initiatives for the 2009 Biennium

Program	Initiative	Outcome Measure(s)
Peace Officers Standards and Training (POST)	Legislation passed in 2007 moves this function from the Montana Board of Crime Control to the Department of Justice	Negotiation in progress (estimated completion 10/31)
Motor Vehicle Division	Montana Enhanced Registration and Licensing Information Network (MERLIN) – agency to select a segment	Negotiation in progress (estimated completion 10/31)
Motor Vehicle Division	Changes in drivers licensing process/function	Negotiation in progress (estimated completion 10/31)

## Montana Board of Crime Control

### Program Goals

Program	Goal	Outcome Measure(s)
Various	Enhance public safety, accountability and competency through effective juvenile justice planning.	Maintain ratio of violations to youth detentions at 4 percent or less
	Strengthen the justice system: Collect, analyze and report data and information related to criminal justice for law enforcement, policy makers and the public. Establish and maintain a Statistical Analysis Center as a mechanism for responding to criminal justice agency issues.	Improve the number of law enforcement agencies reporting electronically to at least 101. Maintain an FBI national incident based reporting system submission error rate of 4 percent or less

## Office of Public Defender

### Program Goals

Program	Goal	Outcome Measure(s)
OPD	Establish a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense	# of OPD cases by type compared to total cases filed by type (felonies) Requested/applications for services compared to number determined eligible for services # of cases in which denial of eligibility is overturned by a court # of cases for which costs of services is requested (payment from client) # of cost containment measures implemented with brief description of cost containment measure Results of client/stakeholder survey
OPD	Provide that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state	# of attorney employee appraisals completed, number receiving satisfactory rating verses number receiving rating indicating improvement is needed # of proficiency evaluations of contract attorneys completed, number receiving satisfactory rating verses number receiving rating indicating improvement is needed # of training courses offered, attendees by type, and summary of post training survey on usefulness of training course # of complaints received
Appellate Defender	Reorganization of the appellate defender function so that effective assistance of counsel is provided upon appeal and in a timely manner – generally within 30 days and without continuance in dependent and neglect cases	# of appeals filed (prior years compared to current) # of continuances requested (prior years compared to current) % of cases assigned to contract counsel (prior years compared to current)

## Judicial Branch

### Program Goals

Program	Goal	Outcome Measure(s)
Information Technology (Supreme Court Operations)	Deployment of Automated Case Management System: Replace the antiquated Judicial Case Management System (JCMS) by deploying a contemporary, state IT compliant case management system in Montana's District Courts.	<p># installations completed</p> <p># and percent of cases for sites where implementation has occurred</p> <p>Pilot FullCourt case management system in a judicial district consisting of an rural and urban county</p> <p>Evaluate pilot for a full statewide roll out in consultation with pilot counties, Montana Assoc of district court clerks, and track committees</p> <p>Negotiate enterprise licensing agreement with Justice Systems Incorporated for FullCourt case management and jury management system</p> <p>Comply with HB 4 reporting requirements</p> <p>Create detailed project and training plan and publish on court website: <a href="http://www.courts.mt.gov">www.courts.mt.gov</a></p> <p>Full deployment of the FullCourt case management system and jury management system in district courts by January 1, 2009</p>

### Initiatives for the 2009 Biennium

Program	Initiative	Outcome Measure(s)
Supreme Court Operations	Reduce the amount of time Supreme Court justices must spend in preliminary review of filings from pro se litigants	<p># of cases having preliminary review done by pro se clerk (available June, 2008)</p> <p># of cases having preliminary review done by justices (available June, 2008)</p> <p># of response briefs requested for FY 2007 and FY 2008</p> <p>Also see milestones</p>
Supreme Court Operations	Increase access to Montana's courts for individuals unable to afford an attorney by creating, distributing, and maintaining resources for self-represented litigants.	<p>Results of initial program evaluation (available November, 2008)</p> <p>Also see milestones</p>
Supreme Court Operations/District Court Operations	Provide funding to and maintain solvency of drug treatment courts that were supported by federal funds.	See milestones

<b>Program Goal or Project Title</b> no more than 2 lines		<b>Agency/Program #:</b>
		<b>Division:</b>
		<b>Program:</b>
<b>Agency Name:</b>		
<b>Agency Contact:</b>		Enter Phone #
<b>LFC Contact:</b>		
<b>LFD Liaison:</b>		Enter Phone #
<b>OBPP Liaison:</b>		Enter Phone #

**Program or Project Description:**

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Appropriation, Expenditure and Source				
Fund Name:	2008		2009	
	Approp.	Expended	Approp.	Expended
General Fund				
State Special				
Federal Funds				
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Approp & Expenditure numbers are as of October 31, 2007

**Goal(s):**

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**Performance Measures :**

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2009 Biennium Significant Milestones:		Completion Dates	
		Target	Actual
1			
2			
3			
4			
5			
6			



Performance Report:

LFD Narrative:

Version	Date	Author

Change Description